

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Tribal Welfare - Khammam District - Revision Petition filed Under Section 6 of A.P.S.A.L.T.R. 1959 by Sri Bathula Sashikanth S/o Tirumala Rao R/o Sridhara Vailair (V) Burgampad (M), Khammam against the orders of the Additional Agent to Government, Khammam in CMA No.76/2003 Dated:27-11-2004- Allowed-Orders-Issued.

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**SOCIAL WELFARE (LTR-1) DEPARTMENT**

**G.O.Ms.No. 208**

Dated:20-11-2008.

Read the following:

1. From Sri K.Chinna Baba, Counsel for the Revision Petitioner dt:18-1-2005.
2. Government Memo No.560/LTR-2/2005-1 and 2, dt:14-2-2005.
3. From Collector, Khammam Rampachodavaram R.C.No.CMA/12/2004 dt:26-11-2005.
4. From Revenue Divisional Officer, Paloncha C/LTR/155/94 dt:19-5-2006.
5. Government Letter No.560/LTR-2/2005 dt: 21-7-2006 and 4-8-2007.

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**ORDER:**

In the reference 1<sup>st</sup> read above Sri Bathula Sashikanth S/o Tirumala Rao has filed a Revision Petition before the Government against the orders of the Additional Agent to Government, Khammam in CMA No.76/2003 dt:27-11-2004 in respect of lands admeasuring Acres 5.00 Sy.No.124 situated at Sridhara Vailair (V) Burgampad (M), Khammam. The main grounds of the Revision Petitioner among others are as here under.

- a). Sri Bathula Sasikanth is his only son and presently residing in USA since 1999. By virtue of General Power of Attorney, he is representing the case on behalf of his son. That his father late Sri Bathula Sesaiah (i.e. grandfather of Bathula Sasikanth) purchased 5.03 acres of land in Survey No.124 situated at Sridhara Vailair village from late Sri Pillamarri Buchaiah (non-tribe) for a total consideration of Rs.4,000/- through registered sale deed No.146/1967 (executed before the Sub-Registrar, Burgampahad) on 5.6.1967 and since then it is in his father's possession (i.e. Bathula Sesaiah) till his death i.e. upto 30.11.1968.
- b). Subsequently, the same was transferred in the name of his mother Smt.Bathula Seshamma (i.e.grand-mother of Bathula Sasikanth) from 1969 onwards and in 1993-94 his name i.e. Bathula Tirumala Rao was entered striking-off his mother's name. His mother Bathula Seshamma submitted an application to transfer 5 acres of dry land in Sy.No.124 in the name of the petitioner i.e. Bathula Sasikanth (i.e. grandson) and accordingly Bathula Sasikanth's name is shown in the possession column since 1999 onwards.
- c). The said transfer to Bathula Sasikanth occurred only due to the succession and that the original transfer from non-tribal Pillamarri Buchiah to Bathula Sesaiah was held under a registered document before the Land Transfer Regulation came into force i.e. on 5.6.1967.

2. The brief facts of the case is that the case was initiated by the Revenue Divisional Officer, Paloncha as the name of Sri B.Sashikanth (NT) found in the occupant column in the year 1993-94. Hence, it is held proved that B.Sashikanth came into the possession of the suit land in the year 1993-94 i.e., after 3-2-1970 on which date the Land Transfer Regulation came into force. Hence the transfer of immovable property of non-tribal situated in scheduled area was made to another non-tribal in contravention of the sub-section 1 of section 3 as laid down in the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 read with Regulation 1/70. The transaction is null and void. Accordingly in exercise of the powers conferred under the sub-section 2(a) of the section 3 of the above said Regulation 1 of 1959, the Agency Divisional Officer and Revenue Divisional Officer, Paloncha in his proceedings LTR case No.H/155/94/BPO, dt:9-10-2001 has ordered for ejectment against the respondent (herein Revision Petitioner) or who ever in possession of the immovable property described in the schedule and to

resumed it to Government under the cover of panchanama and directed the Mandal Revenue Officer, Burgampad to take over the possession of the land to Government and assign the same to the landless poor eligible tribals under section 3(2) of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/1959. Aggrieved by these orders of Agency Divisional Officer, the Revision Petitioner filed an appeal before the Additional Agent to Government, Bhadrachalam. After perusal of the case records the Additional Agent to Government, held that the pahanies of Sridhara Vailair (V) found the name of Pillamarri Buchaiah (original owner of the PS land) in the occupant column for the year 1993-94 and hence, held that the respondent Pillamarri Buchaiah came into the possession of the suit land in the year 1993-94 i.e. after 3-2-1970 on which date the LTR came in to force. The pahani for the year 1993-94, shows the name of Pillamarri Buchaiah in enjoyer column when Pillamarri Buchaiah sold the land long back, proves that a transaction with regard to immovable property between two non-tribals has taken place in contravention of the Regulation 1/1959 as amended by 1/1970. The Additional Agent to Government in CMA No.76/2003 dt:27-11-2004 upheld the orders of the Lower Court. Aggrieved by the orders of the Additional Agent to Government filed the present Revision Petition.

3. In the reference 2<sup>nd</sup> read above, the Additional Agent to Government, Bhadrachalam has been requested to furnish parawise remarks and case records and the same were furnished in the reference 3<sup>rd</sup> and 4<sup>th</sup> read above. After examination of the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 11-8-2006 and finally on 16-8-2007. Petitioner was absent. Counsel for the petitioner was present, and on verification of documents, Counsel was directed to submit Legal Heir Certificate issued by the Mandal Revenue Officer, Burgampad, and the same was furnished on 22-8-2007.

4. Government after careful examination of the material evidence available on record found that:

- i) Initially Land Transfer Regulation case was booked against Bathula Sasikanth i.e. grandson of Bathula Sessaiah and son of Bathula Tirumala Rao, by the Agency Divisional Officer, Paloncha wherein it was held that the name of respondent i.e. Bathula Sasikanth find place in occupant column in the year 1993-94 and hence presumed that transaction took place between non-tribals after 1/70 came into force.
- ii) Subsequently, in the appeal filed before the Addl. Agent to Govt. & PO ITDA Bhadrachalam, it was held that name of Pillamarri Buchaiah who sold the land to Bathula Sessaiah i.e. grandfather of Bathula Sasikanth prior to commencement of the Regulation 1/70, remained as enjoyer in the pahani of 1993-94 and hence confirmed orders of Special Deputy Collector (TW), Paloncha.
- iii) Verified Certified Copy of the Registered Sale Deed bearing No.146/1967 dated 5.6.1967 and found that ac.5.03 gts. was sold by Pillamarri Buchaiah to Sri Bathula Sessaiah.
- iv) Verified Legal Heir Certificate issued by Mandal Revenue Officer, Burgampahad on 20.8.2007, wherein it was certified that Sri Bathula Tirumala Rao is the only son of late Bathula Sessaiah and Bathula Sasikanth is the only son of Bathula Tirumala Rao (i.e. grandson to Bathula Sessaiah and Seshamma).
- v) Pahani 1968-69 revealed that Bathula Seshamma is in occupation of the land measuring acs.5.03 gts. in Sy.No.124 of Sridhara Vailair (v) and name of Bathula Sasikanth i.e. Revision Petitioner was found in 2000 and 2001.
- vi) It is clear from the above, that the transfer of land was taken place much prior to enforcement of Regulation 1/70 came into force, through a registered sale deed between the two non-tribals. Accordingly, name of Bathula Sessaiah and subsequently his wife Bathula Seshamma, their son Bathula Tirumala Rao and their grandson Bathula Sasikanth were entered in the pahanies right from 1968-69.
- vii) The lower court i.e. Agency Divisional Officer, Paloncha, was silent about nature of transaction and under what circumstances the petitioner's name was shown in the possession and pursuant to which he came into possession. Moreover, the

pahani 1993-94 revealed possession of Sri Bathula Tirumala Rao i.e. son of Bathula Sessaiah but not Bathula Sasikanth who subsequently succeeded and entered into revenue records as successor of Bathula Sessaiah in 2000 and 2001, but LTR was initiated against Bathula Sasikanth.

5. Government after careful examination of the case records hereby set aside the orders of the Additional Agent to Government & PO ITDA Bhadrachalam passed in CMA No.76/2003 dt:27-11-2004 and allowed the Revision Petition.

6. The Collector, Khammam / Additional Agent to Government, Bhadrachalam is requested to take necessary action in the matter.

( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH )

**A.K.TIGIDI,**  
**Prl. Secretary to Government.**

**To**

The Collector, Khammam District.

( with RPAD of the following Records )

1. LTR Case No.155/94/BPD containing CFP-2 & NFP-82 pages only.
2. CMA No.76/2003 containing CFP-85 & NFP-7 pages only.

The Additional Agent to Government, Bhadrachalam, Khammam.

Agency Divisional Officer, Paloncha, Khammam District.

Mandal Revenue Officer, Burgampad (M), Khammam.

Sri K.Chinna Baba (Advocate),

Flat No.401, H.No.3-5-839/6, L.R Plaza,  
Hyderguda, Hyderabad.

Sri Bathula Sashikanth S/o Tirumala Rao

R/o Sridhara Vailair (V) Burgampad (M), Khammam

Sri Pillamarri Buchaiah,

R/o Sridhara Vailair (V) Burgampad (M), Khammam.

Copy to the P.S. to M (TW & RAID).

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**// FORWARDED BY ORDER //**

**SECTION OFFICER**